

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOBBY X. MCCURDY	:	CIVIL ACTION
	:	
v.	:	NO. 20-3458
	:	
SECR. JOHN WETZEL, et al.	:	

ORDER

AND NOW, this 16th day of October 2020, upon considering the incarcerated *pro se* Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 4), consistent with Congress's mandate to screen an incarcerated person's Complaint filed without immediately paying the filing fees, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 4) is **GRANTED** under 28 U.S.C. § 1915;

2. Bobby X. McCurdy, #GA-3197, shall pay the full filing fee of \$350 in installments under 28 U.S.C. § 1915(b), regardless of the outcome of this case. We direct the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. McCurdy's inmate account; or (b) the average monthly balance in Mr. McCurdy's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed under this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. McCurdy's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Mr. McCurdy's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The Clerk of Court shall send a copy of this Order to the Superintendent of SCI Phoenix;

4. The Complaint (ECF Doc. No. 1) is **DEEMED** filed;

5. Mr. McCurdy's Complaint (ECF Doc. No. 1) is **DISMISSED with prejudice** as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i);

6. Plaintiff's request for appointment of counsel is **DENIED** as moot; and,

7. The Clerk of Court shall **close** this case.



KEARNEY, J.